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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---------------------------------|-------------|----------------------|-----------------------|------------------|
| 10/646,186 | 08/22/2003 | Harutomi Nishide | IIP-109-A | 9047 |
| 21828 | 7590 | 11/10/2004 | EXAMINER | |
| CARRIER BLACKMAN AND ASSOCIATES | | | WHITE, RODNEY BARNETT | |
| 24101 NOVI ROAD | | | ART UNIT | PAPER NUMBER |
| SUITE 100 | | | | |
| NOVI, MI 48375 | | | 3636 | |

DATE MAILED: 11/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|-----------------------------|------|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/646,186 | NISHIDE ET AL. <i>MW</i> | |
| Examiner | Art Unit | Rodney B. White | 3636 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 22 August 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-10 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

| | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 1 and 6, it is unclear whether or not Applicant intends to claim his invention in combination with the vehicle or the vehicle floor. Applicant begins claim 1 by claiming a "seat position detection unit equipped with a slide mechanism that allows a seat to slide with respect to a floor". Here, the floor is not part of the invention and is not positively claimed. But on line 7, "Applicant defines "a mountin gmember , which mounts the stationary member to the floor". Here, Applicant claims the floor as part of the invention with the language "which mounts the stationary member to the floor" This problem is repeated in claim 4, line 6 and in claim 6, lines 6 and 8. if Applicant does not intend to claim the "seat position detection unit" in combination wiuth the vehicle or the floor of the vehicle, he needs to amend those claims with language such as - - a mounting member for mounting the stationary member to the floor - - or - - a mounting member adapted to mount the stationary member to floor - -.

Again in claim 4, it is unclear as to whether Applicant is claiming the "seat position detection unit" in combination with the "seat" because in line 2 of claim 4, he defines "a movable member, which is attached to a bottom of a seat". So, is Applicant claiming just a "seat position detection unit" or a "seat position detection unit" in combination with a seat, or a seat with a seat position detection unit? Also, see the problems mentioned above that exist on lines 4.

In claim 6, lines 4-5, "the fore-side end" lacks antecedent basis. On lines 6-7, "the rear-side end" lacks antecedent basis.

The aforementioned problems render the claims vague and indefinite. Clarification and/or correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1, 4, and 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Taniuchi (Japanese Patent No. JP 59023740 A).

Taniuchi teaches a seat position detection unit equipped with a slide mechanism that allows a seat to slide with respect to a floor, the seat position detection unit 9 comprising a position sensor attached to one of a stationary member and a movable member that constitute the slide mechanism, a detecting object, which is detected by the position sensor 18, and which is disposed at the other of the stationary member and the movable member; and a mounting member, which mounts the stationary member to the floor, wherein one of the position sensor and the detecting object that is attached to the stationary member is united with the mounting member.

Claims 1, 4, and 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Michihira et al (Japanese Patent No. JP 62020737 A).

Michihira et al teaches a seat position detection unit equipped with a slide mechanism that allows a seat to slide with respect to a floor, the seat position detection unit comprising a position sensor 20,22 attached to one of a stationary member and a movable member that constitute the slide mechanism, a detecting object, which is detected by the position sensor 20,22 and which is disposed at the other of the stationary member and the movable member; and a mounting member, which mounts the stationary member to the floor, wherein one of the position sensor and the detecting object that is attached to the stationary member is united with the mounting member.

Claims 1, 4, and 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Tanaka (Japanese Patent No. JP 62234744 A).

Tanaka teaches a seat position detection unit equipped with a slide mechanism that allows a seat to slide with respect to a floor, the seat position detection unit 7 comprising a position sensor 3,5 attached to one of a stationary member and a movable member that constitute the slide mechanism, a detecting object, which is detected by the position sensor 3,5 and which is disposed at the other of the stationary member and the movable member; and a mounting member, which mounts the stationary member to the floor, wherein one of the position sensor and the detecting object that is attached to the stationary member is united with the mounting member.

Claims 1, 4, and 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Amano (Japanese Patent No. JP 01240331 A).

Amano teaches a seat position detection unit equipped with a slide mechanism that allows a seat to slide with respect to a floor, the seat position detection unit comprising a position sensor 25,26 attached to one of a stationary member and a movable member that constitute the slide mechanism, a detecting object, which is detected by the position sensor 25,26 and which is disposed at the other of the stationary member and the movable member; and a mounting member, which mounts the stationary member to the floor, wherein one of the position sensor and the detecting object that is attached to the stationary member is united with the mounting member.

Claims 1, 4, and 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Oshima et al (Japanese Patent No. JP 03243432 A).

Oshima et al teaches a seat position detection unit 21, 22 equipped with a slide mechanism that allows a seat to slide with respect to a floor, the seat position detection unit comprising a position sensor attached to one of a stationary member and a movable member that constitute the slide mechanism, a detecting object, which is detected by the position sensor and which is disposed at the other of the stationary member and the movable member; and a mounting member, which mounts the stationary member to the floor, wherein one of the position sensor and the detecting object that is attached to the stationary member is united with the mounting member.

Claims 1, 4, and 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Schuler (U.S. Patent No. 5,873,629).

Schuler teaches a seat position detection unit equipped with a slide mechanism that allows a seat to slide with respect to a floor, the seat position detection unit 13 comprising a position sensor attached to one of a stationary member and a movable member that constitute the slide mechanism, a detecting object, which is detected by the position sensor and which is disposed at the other of the stationary member and the movable member; and a mounting member, which mounts the stationary member to the floor, wherein one of the position sensor and the detecting object that is attached to the stationary member is united with the mounting member.

Claims 1, 4, and 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Frusti et al (U.S. Patent No. 6,053,529).

Frusti et al teaches a seat position detection unit equipped with a slide mechanism that allows a seat to slide with respect to a floor, the seat position detection unit comprising a position sensor attached to one of a stationary member and a movable member that constitute the slide mechanism, a detecting object, which is detected by the position sensor and which is disposed at the other of the stationary member and the movable member; and a mounting member, which mounts the stationary member to the floor, wherein one of the position sensor and the detecting object that is attached to the stationary member is united with the mounting member.

Claims 1-2, 4-6, and 8-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Kume et al (U.S. Patent Application Publication No. 2002/0125396 A1).

Kume et al teaches a seat position detection unit 5 equipped with a slide mechanism that allows a seat to slide with respect to a floor, the seat position detection unit 13 comprising a position sensor attached to one of a stationary member and a movable member that constitute the slide mechanism, a detecting object, which is detected by the position sensor and which is disposed at the other of the stationary member and the movable member; and a mounting member, which mounts the stationary member to the floor, wherein one of the position sensor and the detecting object that is attached to the stationary member is united with the mounting member, the connection member having a protector 4 which protects the protection sensor.

Claims 3 and 7 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: prior art does not teach the resin covered mounting member, connecting member, and detecting object as defined in claims 3 and 7.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney B. White whose telephone number is (703) 308-2276.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on (703) 308-0827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Rodney B. White,
Patent Examiner
Art Unit 3636
November 4, 2004



RODNEY B. WHITE
PRIMARY EXAMINER